

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kenneth Shelton	Team: Squad #4	CCRB Case #: 201809204	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/31/2018 8:35 PM	Location of Incident: 473 Malcolm X Boulevard	Precinct: 32	18 Mo. SOL 4/30/2020	EO SOL 12/15/2020	
Date/Time CV Reported Mon, 11/05/2018 11:25 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/05/2018 11:25 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An Officer			032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Licata	06437	954065	032 PCT
2. POM Jonathan Narvaez	25389	946524	032 PCT
3. POM Asad Sardar	01074	962086	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An Officer	Abuse: An officer frisked § 87(2)(b) [REDACTED]	[REDACTED]
B. An Officer	Abuse: An officer searched § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On November 5, 2018, § 87(2)(b) called the CCRB and filed this complaint on behalf of her 13-year-old son § 87(2)(b).

On October 31, 2018, at approximately 8:35 p.m., at 473 Malcolm X Boulevard in Manhattan, § 87(2)(b) exited the “88” Chinese restaurant and walked towards his home located at § 87(2)(b) in Manhattan. In front of his apartment building, § 87(2)(b) was approached by PO Licata of the 32nd Precinct and placed in handcuffs. An unidentified officer frisked § 87(2)(b) and searched his pockets (**Allegation A: Abuse of Authority, § 87(2)(g)** and **Allegation B: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was removed to the 32nd Precinct stationhouse and was released approximately four hours later.

§ 87(2)(b) was arrested for § 87(2)(b) (BR 08).

There is no known video evidence for this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: An officer frisked § 87(2)(b)

Allegation (B) Abuse of Authority: An officer searched § 87(2)(b)

It is undisputed that § 87(2)(b) visited the “88” Chinese restaurant to purchase food and that an older female worker called the police on § 87(2)(b) for an alleged robbery, though he denied committing the offense. An EVENT generated (BR 07) confirmed that the caller stated that a 14 year-old male black tried to rob the cash register and provided a physical and clothing description. It is also undisputed that after responding to the 911 call, the officers conducted a show up and a female identified via the investigation as § 87(2)(b) identified § 87(2)(b) as the alleged assailant. PO Licata then placed § 87(2)(b) under arrest and he was transported to the 32nd Precinct stationhouse in the back of a police vehicle.

§ 87(2)(b) said (BR 03) that after leaving the restaurant, he walked towards his apartment building which is located across the street. While walking, § 87(2)(b) exited the restaurant and a police vehicle arrived. PO Licata exited the police vehicle and approached § 87(2)(b). PO Licata asked § 87(2)(b) where he was returning from and § 87(2)(b) responded that he was returning from the restaurant. PO Licata then placed § 87(2)(b) in handcuffs and another unidentified officer patted down his arms, chest, and legs. The same unidentified officer then searched the pockets of the bomber jacket § 87(2)(b) wore (BR 04). He was then transported to the stationhouse and his money was vouchered as evidence.

PO Licata’s said (BR 05) that when the officers arrived at the scene, they instructed § 87(2)(b) to enter their police vehicle. § 87(2)(b) then identified § 87(2)(b) who was walking towards his apartment complex, and stated, “That’s him.” PO Licata approached § 87(2)(b) and § 87(2)(b) stated, “I was just messing with the Chinese lady.” After placing § 87(2)(b) in handcuffs, officers conducted a show-up, during which § 87(2)(b) the victim of the alleged robbery, positively identified § 87(2)(b) as the assailant. PO Licata then arrested § 87(2)(b) for § 87(2)(b). PO Licata stated that § 87(2)(b) was searched but did not remember which officer searched him.

Juvenile Report No. § 87(2)(b), § 87(2)(a) Fam. Ct. Act § 281.2 notes that at on October 31, 2018, at approximately 8:35 p.m., at 473 Lenox Avenue in Manhattan, § 87(2)(b) stated that § 87(2)(b) lunged over the counter and removed an unknown amount of money from the top of the

register and walked out of the business. § 87(2)(b) positively identified § 87(2)(b) via a show-up (BR 08).

NYPD Patrol Guide, Procedure 208-03 states that after an arrest has been effected and a prisoner has been handcuffed, officers should immediately field search/frisk the prisoner and the adjacent vicinity for weapons, evidence, and/or contraband (BR 06).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 01).
- PO Joseph Licata has been a member of service for five years and has been a subject in 10 CCRB complaints and five allegations, of which two were substantiated.
 - 201605363 involved substantiated allegations of a stop and a frisk. The Board recommended Formalized Training and the NYPD imposed Formalized Training.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City, as he is a minor. In regards to the arrest, OCA does not have any records (BR 02).
- On December 31, 2018, a FOIL request was submitted to the New York City Office of the Comptroller and will be added to the case file upon receipt.

Squad No.: _____4_____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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